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PETITION OF

COLUMBIA GAS OF VIRGINIA, INC.

CASE NO. PUE-2002-00070

For a Declaratory Judgment

HEARING EXAMINER'S RULING

June 4, 2002

On January 17, 2002, Columbia Gas of Virginia ("CGV") filed a Petition for Declaratory Judgment ("Petition") with the Commission requesting a declaration that CGV has authority under Rate Schedules TS-1 and TS-2 to assess penalties and charges against customers who failed to comply with certain balancing service restrictions issued by CGV during the winter of 2000-01.

Pursuant to Hearing Examiner's Ruling of April 3, 2002, Stand Energy Corporation ("Stand") filed a Notice of Participation with the Commission on April 19, 2002.

On May 24, 2002, after hearing oral argument, I directed, among other things, that Respondents' testimony and exhibits are to be filed on or before June 3, 2002. On June 4, 2002, Stand filed a Motion for Leave to File Testimony Out of Time ("Motion") requesting that its testimony and exhibits filed on June 4, 2002, be accepted. In support of its Motion, Stand states that its courier arrived at the Commission on June 3, 2002, "as the Clerk's office was locking the doors." Stand filed the testimony and exhibits with the Commission at 8:24 a.m. on June 4, 2002.

I find Stand's Motion should be granted. Rule 5 VAC 5-20-240 of the Commission's Rules of Practice and Procedure provides that testimony and exhibits may be filed after the required filing date "by leave of the Commission." Further, Hearing Examiner's Ruling of May 24, 2002, incorrectly recites Respondents' filing date as May 31, 2002. The correct filing date for Respondents to file testimony and exhibits is June 3, 2002. Accordingly,

IT IS DIRECTED that Stand's Motion is granted and its testimony and exhibits filed on June 4, 2002, are accepted. **IT IS FURTHER DIRECTED** that the Hearing Examiner's Ruling of May 24, 2002, be amended to reflect the correct filing date of June 3, 2002, for Respondents to file testimony and exhibits.

Howard P. Anderson, Jr.
Hearing Examiner